

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

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STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
June 3, 1999

Senate called to order by President Mark W. Lawrence of York County.

Prayer by Senator Neria Douglass of Androscoggin County.

SENATOR DOUGLASS: Oh Creator, may Your spirit fill our hearts and minds on this beautiful June day in Maine. May we see the world from Your view. From mountain to valley, from rich to poor, mighty to lowly, and simple to complex. Provide us with faith in our own power to do Your work with faith in others through whom You work, and with faith in our power together. Let us be honest and forthright in our work. Let us remember Your fundamental principals of good as we struggle to decide the best course for our people, our communities, and our state. And, oh Creator, allow me this private prayer in this public place that You may heal the mind and spirit of Alex Poulin, my daughter Lauren's friend, and those of her family. Amen.

Reading of the Journal of Wednesday, June 2, 1999.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 313

STATE OF MAINE
DEPARTMENT OF LABOR
20 UNION STREET, P.O. BOX 309
AUGUSTA, MAINE 04332

May 27, 1999

The Honorable Mark Lawrence, President
Maine State Senate
3 State House Station
Augusta, Maine 04333-0003

Dear President Lawrence:

The enclosed report is being submitted in accordance with the Statute on Annual Reporting Requirements, Title 5 M.R.S.A. §13070-J, as the Department of Labor's and the Department of Economic and Community Development's requirement for the Governor's Training Initiative (GTI).

The enclosed data provides actual expenditures, trainee counts and wage information of 1998 contracts in excess of \$10,000, closed between January 1, 1998 and December 31, 1998. As GTI data is captured on a fiscal year basis for the previous two-year training period, also provided for your information is planned figures for all 1998 contracts.

GTI is grounded in the premise that public benefit is a prerequisite for public investment. Quantifiable evidence of such is included in the 1998 report narrative.

Please contact Mike Bourret, Employer Assistance Division Director, at 624-6392 with questions regarding the Governor's Training Initiative and the 1998 Annual Report.

Sincerely,

S/Valerie R. Landry,
Commissioner
Department of Labor

S/Steven H. Levesque,
Commissioner
Department of Economic and
Community Development

READ and with accompanying papers **ORDERED PLACED ON FILE.**

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (6/1/99) Assigned matter:

JOINT ORDER - relative to recognizing John D. Chester of Wiscasset SLS 217

Tabled - June 1, 1999, by Senator **RAND** of Cumberland.

Pending - motion by Senator **KILKELLY** of Lincoln to **PASS**

(In Senate, June 1, 1999, **READ.**)

READ.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, it is my pleasure this morning to present this Joint Order recognizing John Chester of Wiscasset. I've known John

for several years and was very pleased when he took on the task of doing the research for the town's cannon, which had been the topic of much discussion, much debate, and much mythology. What he was able to do was to boil that down into the facts; what actually had happen and how the cannon had come to be part of Wiscasset. John has served in a number of civic roles in his career. He was a former member of the Maine State Police. In the Town of Wiscasset he served on the Budget Committee and helped us develop our Recreation Program. I've known John as a member of our Citizens Advisory Panel in decommissioning Maine Yankee. He is one of the most wonderfully detail-oriented people I've ever met. Anytime you ask John to take on a task he takes it on with a great sense of humor, a sense of grace, and a sense of diligence. He gets it done and does it incredibly well. It's really been my pleasure to work with him in a number of different capacities over the years. We spend so much time focused on things that aren't going well and things that need to be changed, or things that are challenging. It's really a delight to be able to take time to recognize people in our communities who are doing a really fine job with what they do, and make our communities as strong and wonderful as they are. So I'm really pleased that John and his wife Jan could be here with us today for this recognition. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you Mr. President. Ladies and gentlemen of the Senate, as a retired Maine State Police Officer I certainly can't let the moment pass without complimenting one of my fellow officers. John Chester served in Augusta. He was in charge of communications there. As a brand new State Police Officer, I remember him very clearly. He had nearly 20 years of service when I joined and I am certain he doesn't remember me, but I remember him. One of the biggest things I remember about him, he used to come over to the Academy, this is when it was over in back of the Armory up on Camp Keys many years ago, and he instructed communications there. I remember very clearly one of the tactics he used. If you should happen to fall asleep or something, and Mr. President, I don't want you to take note of this, he would come over to your desk, and if you had a typewriter or something like that, he would pick it up and drop it on the floor. He would get your attention real quick. I'm sure that if he gave the same detail, and I see him smiling, I think he can remember those days, if he gave the same detail to what Senator Kilkelly, the good Senator of Lincoln, just eluded to in restoring cannons, and that type of thing, then he probably did a wonderful job. Thank you.

PASSED.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber John and Jane Chester of Wiscasset. Would they please rise and receive the greetings of the Senate.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act to Increase the Deer Hunting Day by 15 Minutes
H.P. 30 L.D. 39

An Act to Assist in the Cleanup of the Town of Wells Maine Waste Oil Site
H.P. 1141 L.D. 1626
(H "A" H-738 to C "A" H-730)

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate considered the following:

SENATE PAPERS

Bill "An Act to Provide Health Insurance Benefits to Dwight Parsons" (EMERGENCY)
S.P. 852 L.D. 2251

Sponsored by Senator FERGUSON of Oxford.
Cosponsored by Representative GAGNE of Buckfield and Senators: BENNETT of Oxford, DOUGLASS of Androscoggin.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Exempt Military Retirees from State Income Taxes"
H.P. 360 L.D. 485

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-392)** (11 members)

Minority - **Ought Not to Pass** (2 members)

In House, May 7, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.

In Senate, June 1, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act Regarding the Interest and Penalties on Unpaid Taxes when the Taxpayer Files for Bankruptcy" H.P. 1216 L.D. 1745

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-495)** (5 members)

In House, June 2, 1999, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-495)**.

In Senate, June 2, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senator **PINGREE** of Knox moved the Senate **ADHERE**.

Senator **AMERO** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division. 10 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **PINGREE** of Knox, the Senate **ADHERED**.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the BETR Program Regarding Reimbursement and Eligibility"

H.P. 184 L.D. 262

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-743)**.

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

LEMONT of Kittery
MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **RUHLIN** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Clarify the Equine Activity Law" S.P. 749 L.D. 2108 (S "C" S-379)

In Senate, June 2, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-379)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-305) AND SENATE AMENDMENT "C" (S-379)**, in **NON-CONCURRENCE**.

On motion by Senator **KILKELLY** of Lincoln, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the State Compensation Commission"

S.P. 770 L.D. 2168
(S "A" S-375 to C "A" S-364)

In Senate, June 1, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-364) AS AMENDED BY SENATE AMENDMENT "A" (S-375)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-364) AS AMENDED BY HOUSE AMENDMENT "C" (H-735)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

H.P. 1572 L.D. 2220
(C "A" H-727)

In Senate, June 2, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-745)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Revise the Salaries of Certain Androscoggin County Officers" (EMERGENCY)

H.P. 1604 L.D. 2250

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1158).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1999 (EMERGENCY)

H.P. 1603 L.D. 2249

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1158).

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**, pursuant to Joint Order (H. P. 1158).

Signed:

Representative:

GERRY of Auburn

Comes from the House with the Majority **OUGHT TO PASS**
Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE**
ENGROSSED.

Reports **READ.**

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until
Later in Today's Session, pending **ACCEPTANCE OF EITHER**
REPORT.

Out of order and under suspension of the Rules, the Senate
considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE**
on Bill "An Act to Ensure Access to Prescription Drugs for the
Elderly"

H.P. 1347 L.D. 1947

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-710).

Signed:

Representatives:

- RICHARDSON of Brunswick
- NUTTING of Oakland
- DUDLEY of Portland
- O'NEIL of Saco
- SAXL of Bangor
- SULLIVAN of Biddeford
- PERRY of Bangor
- MAYO of Bath

The Minority of the same Committee on the same subject
reported that the same **Ought Not to Pass.**

Signed:

Senators:

- LaFOUNTAIN of York
- DOUGLASS of Androscoggin
- ABROMSON of Cumberland

Representatives:

- JONES of Pittsfield
- GLYNN of South Portland

Comes from the House with the Bill and accompanying papers
INDEFINITELY POSTPONED.

Reports **READ.**

On motion by Senator **LAFOUNTAIN** of York, Bill and
accompanying papers **INDEFINITELY POSTPONED**, in
concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **PINGREE** of Knox was granted unanimous consent to
address the Senate off the Record.

Senator **AMERO** of Cumberland was granted unanimous consent
to address the Senate off the Record.

Under suspension of the Rules, all matters thus acted upon were
ordered sent down forthwith for concurrence.

On motion by Senator **PINGREE** of Knox, **RECESSED** until the
sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator **MICHAUD** of Penobscot, the Senate
removed from the **SPECIAL APPROPRIATIONS TABLE** the
following:

An Act to Eliminate Sales Tax on Electricity Used in Agriculture
and Aquaculture

S.P. 23 L.D. 4
(C "A" S-85)

Tabled - April 29, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (S-85).)

(In House, April 29, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Related to Application of the Sales Tax to Agricultural Animals

S.P. 22 L.D. 6
(C "A" S-83)

Tabled - May 6, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 27 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-83).**)

(In House, May 5, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Make Corrections to the Laws Governing the County Jail Prisoner Support and Community Corrections Fund

H.P. 113 L.D. 144
(C "A" H-40)

Tabled - March 23, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-40)**, in concurrence.)

(In House, March 18, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish a Tax Credit for Day Care Facilities for Expenditures Required to Comply with the Lead Poisoning Control Act

H.P. 130 L.D. 161
(C "A" H-202)

Tabled - April 29, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-202)**, in concurrence.)

(In House, April 29, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Amount of State Contribution to Out-of-district Placements

S.P. 96 L.D. 235
(C "A" S-21)

Tabled - March 24, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-21).**)

(In House, March 23, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Give Citizens 70 Years of Age and Older Free Bear and Duck Hunters Stamps

H.P. 171 L.D. 249
(C "A" H-191)

Tabled - April 29, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191)**, in concurrence.)

(In House, April 29, 1999, **PASSED TO BE ENACTED.**)

The same Senator moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **KIEFFER** of Aroostook requested a Division.

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from today's Roll Call votes.

ROLL CALL (#190)

YEAS: Senators: CAREY, CATHCART, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, TREAT

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, LONGLEY, MACKINNON, MILLS, MITCHELL, PENDLETON, SMALL, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: DAGGETT

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **NON-CONCURRENCE, FAILED**.

PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Allow Counties to Retain a Larger Share of the Real Estate Transfer Tax

S.P. 121 L.D. 318
(C "A" S-82)

Tabled - May 5, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-82).**)

(In House, May 4, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Amount of Income That a Resident of a Nursing or Residential Care Facility Who Receives Medicaid May Retain

H.P. 265 L.D. 369
(C "A" H-41)

Tabled - March 23, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)**, in concurrence.)

(In House, March 18, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Facilitate Compliance with the Federal Communications Act of 1996

S.P. 141 L.D. 377
(C "A" S-175)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175).**)

(In House, May 12, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Tax-exempt Status to Organizations That Teach Reading

H.P. 271 L.D. 379
(C "B" H-647)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-647)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

The same Senator moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **AMERO** of Cumberland requested a Division.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Exempt Persons 70 Years of Age and Older From Paying the Fee for Commercial Shellfish Licenses

H.P. 279 L.D. 387
(C "A" H-90)

Tabled - April 13, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-90)**, in concurrence.)

(In House, April 8, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Permit Senior Citizens to Remain in Their Homes by Providing Funds for Necessary Modifications

H.P. 328 L.D. 444
(C "A" H-244)

Tabled - May 6, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)**, in concurrence.)

(In House, May 5, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

An Act to Establish a Maine Agriculture Market and Production Development Program

S.P. 158 L.D. 478

Tabled - March 16, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 3, 1999, **PASSED TO BE ENGROSSED.**)

(In House, March 11, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns

S.P. 198 L.D. 587
(C "A" S-49)

Tabled - April 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-49).**)

(In House, April 13, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Access to Primary Health Care in Rural Maine
S.P. 202 L.D. 591
(C "A" S-66)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66).**)

(In House, April 26, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment

S.P. 208 L.D. 597
(C "A" S-50)

Tabled - April 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-50).**)

(In House, April 13, 1999, **PASSED TO BE ENACTED.**)

The same Senator moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers in **NON-CONCURRENCE**.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Maine Communities in the New Century Program

H.P. 467 L.D. 630
(C "A" H-66)

Tabled - April 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)**, in concurrence.)

(In House, April 5, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission

S.P. 234 L.D. 656
(C "A" S-74)

Tabled - April 29, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-74).**)

(In House, April 29, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Require Courts to Reimburse Jurors for Parking Expenses

H.P. 490 L.D. 697
(C "A" H-133)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase State Funding for the Purchase of School Buses

H.P. 522 L.D. 729
(C "A" H-157)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve the Collection of Restitution

S.P. 268 L.D. 761
(S "A" S-86 to C "A" S-67)

Tabled - May 4, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 15, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-67) AS AMENDED BY SENATE AMENDMENT "A" (S-86)** thereto.)

(In House, May 3, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create a Tax Credit for Licensing Fees Paid for the Use of University Patents on Wood Fiber Reinforced Products

S.P. 282 L.D. 800
(C "A" S-238)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238)**.)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Require the State to Be Responsible for the Costs of School Employee Criminal History Records Checks and Fingerprinting

H.P. 628 L.D. 878
(C "A" H-405)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)**, in concurrence.)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish a Part-time Liquor License
H.P. 649 L.D. 899
(C "A" H-286)

Tabled - May 10, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286)**, in concurrence.)

(In House, May 7, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Tax Law Regarding Tax Liability of Innocent or Injured Spouses
S.P. 308 L.D. 910
(C "A" S-173)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173)**.)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

The same Senator moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers
H.P. 663 L.D. 919
(C "A" H-358)

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358)**, in concurrence.)

(In House, May 24, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Computers for Use in the Legislature
H.P. 666 L.D. 922
(C "A" H-320)

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320)**, in concurrence.)

(In House, May 24, 1999, **PASSED TO BE ENACTED.**)

The same Senator moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

LEGISLATIVE RECORD - SENATE, THURSDAY, JUNE 3, 1999

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding Tobacco Manufacturers
H.P. 687 L.D. 943
(S "A" S-247 to C "A" H-448)

Tabled - June 1, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448) AS AMENDED BY SENATE AMENDMENT "A" (S-247)** thereto.)

(In House, May 28, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Restore Municipal Revenue Sharing
H.P. 701 L.D. 968
(C "A" H-218)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

The same Senator moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **HARRIMAN** of Cumberland supported by a Division of at least one-fifth of the members present and voting a Roll Call was ordered.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Ordered)

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create Quality Child. Care Investment Incentives
S.P. 359 L.D. 1063
(H "A" H-583 to C "A" S-237)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-237) AS AMENDED BY HOUSE AMENDMENT "A" (H-583)** thereto, in concurrence.)

(In House, May 20, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Early Care and Education Revolving Loan Program
S.P. 362 L.D. 1066
(H "A" H-588 to C "A" S-223)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223) AS AMENDED BY HOUSE AMENDMENT "A" (H-588)** thereto, in concurrence.)

(In House, May 20, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Snowmobile Trail Grooming
H.P. 763 L.D. 1086

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 24, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Change the Tax Treatment of Truck Campers
H.P. 767 L.D. 1090
(C "A" H-120)

Tabled - May 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120)**, in concurrence.)

(In House, April 13, 1999, **PASSED TO BE ENACTED.**)

The same Senator moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **HARRIMAN**, of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Repeal Bedding, Upholstered Furniture and Stuffed Toys Laws
H.P. 794 L.D. 1117
(C "A" H-252)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Task Force to Study Telecommunications Taxation

H.P. 807 L.D. 1130
(C "A" H-391; H "A" H-604)

Tabled - May 21, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391) AND HOUSE AMENDMENT "A" (H-604)**, in concurrence.)

(In House, May 21, 1999, **PASSED TO BE ENACTED.**)

On motion by Senator **RUHLIN** of Penobscot, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Access to Prescription Drugs for the Elderly and for Disabled Persons
S.P. 414 L.D. 1203
(C "A" S-359)

Tabled - June 1, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359)**.)

(In House, May 28, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Make Courses that Teach English as a 2nd Language Reimbursable by the State

H.P. 860 L.D. 1217
(C "A" H-373)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373)**, in concurrence.)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Wage Fairness Task Force

S.P. 438 L.D. 1275
(C "A" S-229)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-229)**.)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Funds for a New Historical Atlas of Maine
H.P. 901 L.D. 1279
(C "A" H-297)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 13, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**, in concurrence.)

(In House, May 17, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Partial Funding for Construction of the Edmund S. Muskie School of Public Service

H.P. 925 L.D. 1302

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 4, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Consumers' Opportunities to Hire and Retain Personal Care Attendants

H.P. 935 L.D. 1312
(C "A" H-596)

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)**, in concurrence.)

(In House, May 24, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Appropriate Additional Funding for Court-appointed Counsel

S.P. 442 L.D. 1317
(C "A" S-123)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 29, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-123).**)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Long-term Health Care Options
S.P. 446 L.D. 1321
(C "A" S-75)

Tabled - May 29, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-75).**)

(In House, April 29, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Long-term Funding for the Land for Maine's Future Program
H.P. 947 L.D. 1344
(C "A" H-390)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**, in concurrence.)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish a Fund to Promote Acadian Cultural Tourism for St. Croix Island
H.P. 1029 L.D. 1451
(C "B" H-272)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-272).**)

(In House, May 17, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Sales Tax Exemption for Prosthetic Devices
S.P. 494 L.D. 1479
(S "A" S-299 to C "A" S-294)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294) AS AMENDED BY SENATE AMENDMENT "A" (S-299)** thereto.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Lobbyist Registration Fee Provisions
S.P. 503 L.D. 1504
(C "A" S-263)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-263).**)

(In House, May 17, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Medical Support for Children
H.P. 1078 L.D. 1525
(C "A" H-655)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create a Historic Preservation Tax Credit
H.P. 1093 L.D. 1540
(C "A" H-492)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492)**, in concurrence.)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve, to Provide Incentives for School Breakfast Programs in Maine Public Schools
S.P. 524 L.D. 1558
(C "A" S-64)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 8, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64).**)

(In House, April 26, 1999, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Equity Among Health Care Clinics
S.P. 532 L.D. 1594
(C "A" S-347)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-347).**)

(In House, May 26, 1999, **PASSED TO BE ENACTED.**)

The same Senator moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **ABROMSON** of Cumberland requested a Division.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**. (Division Requested)

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Repeal Registration Requirements of Cable Television Franchise Agreements and the Filing of Wage Rates and Benefits
S.P. 553 L.D. 1615
(C "A" S-109)

Tabled - May 7, 1999, by Senator MICHAUD of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-109).**)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator MICHAUD of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Reimburse Collectors of Sales and Use Taxes
H.P. 1150 L.D. 1647
(C "A" H-646)

Tabled - May 25, 1999, by Senator CATHCART of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator MICHAUD of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Increase Access to Maine's Technical College System
H.P. 1191 L.D. 1701
(H "A" H-316)

Tabled - May 7, 1999, by Senator MICHAUD of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 4, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-316)**, in concurrence.)

(In House, May 6, 1999, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator MICHAUD of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Establish Reimbursement Funding for Transportation Costs to and From Dialysis Treatment Facilities

S.P. 601 L.D. 1724
(C "A" S-138)

Tabled - May 10, 1999, by Senator MICHAUD of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-138).**)

(In House, May 7, 1999, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator MICHAUD of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Fees for Civil Process of Filing State Papers
H.P. 1212 L.D. 1741
(C "A" H-291)

Tabled - May 13, 1999, by Senator MICHAUD of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291)**, in concurrence.)

(In House, May 12, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator MICHAUD of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create Statewide Smoking Cessation Services
H.P. 1264 L.D. 1818
(C "A" H-593)

Tabled - May 21, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**, in concurrence.)

(In House, May 21, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Amount of Revenue Dedicated to Local Revenue Sharing

H.P. 1286 L.D. 1847
(C "A" H-651)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Pertaining to the Management of Atlantic Salmon
H.P. 1421 L.D. 2028
(C "A" H-672)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-672)**, in concurrence.)

(In House, May 26, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Access to Residential Care in Rural Maine
S.P. 717 L.D. 2039
(H "A" H-562 to C "A" S-222)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-222) AS AMENDED BY HOUSE AMENDMENT "A" (H-562)** thereto, in concurrence.)

(In House, May 20, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Increased Access to Dental Care in Maine
H.P. 1467 L.D. 2099

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Appropriate \$125,000 for the Fort Knox Visitor Center
S.P. 744 L.D. 2103
(C "A" S-115)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-115).**)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure Adequate Nutrition for Low-income Legal Aliens
H.P. 1470 L.D. 2110
(C "A" H-267)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-267)**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement an Atlantic Salmon Conservation Plan
H.P. 1549 L.D. 2206
(C "A" H-606)

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-606)**, in concurrence.)

(In House, May 24, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Commission on Eating Disorders
H.P. 1563 L.D. 2215

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding Long-term Care
H.P. 1582 L.D. 2231

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 20, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Amend the BETR Program Regarding Reimbursement and Eligibility"

H.P. 184 L.D. 262

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-743)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - June 3, 1999, by Senator **RUHLIN** of Penobscot.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 2, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, June 3, 1999, Reports **READ**.)

On motion by Senator **RUHLIN** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act to Implement the Recommendations of the State Compensation Commission"

S.P. 770 L.D. 2168
(S "A" S-375 to C "A" S-364)

Tabled - June 3, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 1, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-364) AS AMENDED BY SENATE AMENDMENT "A" (S-375)** thereto.)

(In House, June 2, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-364) AS AMENDED BY HOUSE AMENDMENT "C" (H-735)** thereto, in **NON-CONCURRENCE**.)

Senator **RAND** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#191)

YEAS: Senators: CAREY, CATHCART, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

EXCUSED: Senator: DAGGETT

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RAND** of Cumberland to **RECEDE** and **CONCUR**, **PREVAILED**.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1999 (EMERGENCY)

H.P. 1603 L.D. 2249

Majority - **Ought to Pass**, pursuant to Joint Order (H.P. 1158) (12 members)

Minority - **Ought Not to Pass**, pursuant to Joint Order (H. P. 1158) (1 member)

Tabled - June 3, 1999, by Senator **NUTTING** of Androscoggin.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 3, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.)

(In Senate, June 3, 1999, Reports **READ**.)

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Senator **AMERO** of Cumberland moved the Senate remove from the Table the following Tabled and Later (3/9/99) Assigned matter:

SENATE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates"

S.P. 72 L.D. 175

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

Tabled - March 9, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, March 9, 1999, Report **READ**.)

The Chair ordered a Division.

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#192)

YEAS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL**

NAYS: Senators: **BERUBE, CAREY, CATHCART, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

ABSENT: Senators: **CASSIDY, O'GARA**

EXCUSED: Senator: **DAGGETT**

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator being excused, the motion by Senator **AMERO** of Cumberland to remove from the Table, **FAILED**.

Off Record Remarks

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Appropriate \$50,000 for the Muskie Memorial Committee in Rumford

S.P. 35 L.D. 45

Tabled - April 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED**.)

(In House, April 13, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Enhance Senior Volunteerism in Maine

S.P. 98 L.D. 237
(C "A" S-12)

Tabled - March 16, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 4, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-12).**)

(In House, March 16, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Enhance the Marketing and Promotion Capabilities of the Department of Inland Fisheries and Wildlife
S.P. 138 L.D. 374
(C "A" S-70)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-70).**)

(In House, April 26, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Appropriate Funds for Conservation at the Local Level
H.P. 406 L.D. 548
(C "A" H-173)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 15, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173)**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED.**)

Senator **HARRIMAN** of Cumberland requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President. I would like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **AMERO:** To anyone who would care to answer. Is the money being appropriated for L.D. 548 one-time money or ongoing monies.

THE PRESIDENT: The Senator from Cumberland, Senator Amero, poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President. It's ongoing.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, it was my understanding that in the Part 2 Budget agreement both parties agreed to only appropriate a certain amount of funds for ongoing cost to the Budget. I think that this Bill then violates that agreement. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate, that dealt with a Part 2 Budget. It did not deal with the items that were on the Table when we worked out the agreement. I might also add that there are other Bills on the Table that raise ongoing revenue that could help offset this ongoing expenditure.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, I should also add that this Conservation Bill goes towards Soil and Water Conservation and, in my district anyway and I imagine in many of yours, the help that farmers get from the Soil and Water Conservation isn't to be underestimated. So I would urge your support for the Appropriations Committee vote. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I guess I had a different understanding of the agreement with the Chief Executive Officer in that no monies on the Table, as I understood it, were to go to ongoing cost but only to one-time expenditures.

On motion by Senator **KILKELLY** of Lincoln, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, this Bill is critically important to the Soil and Water Conservation Districts. Any of us that live in rural areas and are

faced with the challenge of maintaining active working farms and quality water within our districts, within the State, know how important Soil and Water Conservation Districts are. This funding is critical to be able to manage active working farm land and maintain quality water at the same time. It is a Bill that benefits everyone and I would urge you to support it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President. Men and women of the Senate, Soil and Water Conservation Districts are no strangers to my district either. They are located in all 16 counties of the State but they have been around, in my experience, for more than 20 years, maybe 30 years that I know of. They have been funded every year by Federal and State sources and by their own fee generating activities. The reason why, out of the blue, we should start a Part 2 Appropriation to add, as the Bill suggests, \$800,000 and, as the Committee Amendment suggests, \$560,000 to this program that has been in existence for decades. I don't understand why this wasn't thoroughly dealt with in the Part 1 and what the exigency is that requires a sudden influx of new funding to a program that has been around forever. It totally mystifies me why this added money, on an ongoing basis, should be appropriated at this juncture.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate, I would like to respond, at least vicariously if I could, to the good Senator from Cumberland, Senator Amero, who posed the question regarding ongoing programs. Indeed, one of the documents that will be voted on today had a net increase in revenues and I would just like for the record to show that the first year of that Bill, which is L.D. 162, was approximately \$300,000. In the second year, it's \$2,458,000. So indeed, as we move on with the rest of our business today, I would urge you to join in asking yourself since the fiscal office has told us, both the Chief Executive's Fiscal Office and the our own Fiscal Office have indicated that 95% of the revenues that we are working with are one-time money. Having said that, Mr. President, I would also say that this is the difficult part of serving on the Appropriations Committee. Every Bill is a good idea and a worthy idea that has it's day in the sunshine or in the moonlight, as the case was last night on these Bills. This is one that did not make it into the Part 1 or the Part 2. And if you vote to Enact this Bill, you are creating an ongoing expense of \$1,120,000 over the biennium. I just ask you to keep that in mind as you vote on this Bill and others that have ongoing cost. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I'm quite familiar with the soil and water folks. We have participated in funding them at the Oxford County level for a few thousand dollars each year but they have expanded their services to the point where they really needed infuse of State revenue. The delegation from Oxford County did meet with the folks and I, for one, did pledge my

support for this program and I would hope that you would join me this afternoon in support of this Bill. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would be happy to attempt to answer some of the questions posed about this particular Bill. I think it should be noted first that this was a bipartisan majority of the Appropriations Committee that voted for the level of \$560,000 funding. This was not a partisan matter at all. Conservation Districts, in my opinion, never say no to anybody and they are getting asked every year to do more, and more, and more. More work for municipalities, more work with roads, with erosion, and with farms. I know the Federal Government has said that we in Maine must adopt a whole new area of nutrient management and the Conservation Districts are going to play an intricate role in developing hundreds of farm plans that they haven't had to do in the past. That is the only way we are going to deal with it at the State level. The only other option is to have the Federal EPA deal with it. If you want to get animal agriculture scared in the state of Maine, tell them we're not going to deal with it, the Federal EPA is. So I urge you to support Enactment of this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I want to respond to a question that was raised by Senator Mills regarding what's the emergency? Why do we need to do this now and what is the issue? Truly the issue is nutrient management and the animal agriculture community for the last three years has been looking at how can we, in fact, do a program here in the State of Maine that will allow us to continue active animal agriculture and at the same time manage our own program and not have the EPA come in and regulate us, and basically regulate a lot of people absolutely out of business. After three years of work, three years of putting together the rules, and three years of looking at what, in fact, is the best way to deliver this service of developing the plans that are necessary to assure that the management of the manure on these farms does not impact our water quality, doesn't get into the rivers, doesn't get into our streams where we want to go fishing, and some of the other activities we're involved in. This is the best way for us to do it. The best way is to work with the Soil and Water Conservation Districts. To have the Soil and Water Conservation Districts have enough staff so they, in fact, can support the farmers who need our support today more than ever. They need our support to get these plans put in place so we can go to the next phase, which is to create manure storage, to do good stacking, which is to have good planning in place, so we are, in fact, not polluting the water in this state. We are at the same time permitting, supporting, and encouraging animal agriculture, which is critical to diversity in rural Maine. I would urge you to support this as the best way we know, after three years of looking at this issue, to provide the services that farmers need to continue animal agriculture in this state. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE**: Thank you Mr. President. Men and women of the Senate, I just wanted to comment briefly on the remarks of the good Senator from Cumberland, Senator Amero. Really I just want to address the process here. I'm concerned that we should have to debate every item as it comes off the Table. The good Senator from Cumberland, Senator Amero, mentioned that we had an agreement with the Governor to only do a certain kind of appropriating as we were going through the Budget. Well, it was really my understanding that in the end, after a lot of hard work, and work that I really appreciated on both the part of the Republicans and the Democrats on the Appropriation Committee and members of leadership, how we in the Legislature crafted this Budget agreement, which had a large majority of members voting for it. Last night, as many of you know, many of us were here working through the Table, and these Bills came up one by one. This Bill in particular had a unanimous vote of all the Republicans and Democrats in the room at that time deciding how we wanted to spend the Appropriations Table money. I'm just saying, for all of our benefit, that I hope we're not going to re-debate every item that was already discussed by both parties last night and decisions, difficult as they were, already made. So I'm just urging your support for this decision that was already crafted last night in the Appropriations Committee with many of us, including all the members of the Committee there at the same time.

THE PRESIDENT: The pending question before the Senate is Passage to be Enacted. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#193)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, HARRIMAN, MACKINNON, MILLS, MITCHELL

EXCUSED: Senator: DAGGETT

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Fund Maine Agricultural Education Programs
H.P. 407 L.D. 549

Tabled - April 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 13, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Encourage Contributions to Family Development Account Reserve Funds

S.P. 186 L.D. 579
(C "A" S-84)

Tabled - April 29, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84)**.)

(In House, April 29, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes

S.P. 217 L.D. 639
(C "A" S-266)

Tabled - May 21, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-266)**.)

(In House, May 21, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend Maine's Boating Laws Pertaining to Noise Limits on Watercraft

S.P. 240 L.D. 662
(C "A" S-250)

Tabled - May 21, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-250).**)

(In House, May 21, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers

S.P. 288 L.D. 806
(C "A" S-189)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189).**)

(In House, May 17, 1999, **PASSED TO BE ENACTED.**)

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 19 Senators having voted in the affirmative and 9 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Requirements of Full-time Students for State-funding Purposes

H.P. 573 L.D. 813
(C "A" H-372)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)**, in concurrence.)

(In House, May 12, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery

H.P. 579 L.D. 819
(C "A" H-44)

Tabled - March 23, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-44)**, in concurrence.)

(In House, March 18, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems

H.P. 621 L.D. 861
(C "A" H-82)

Tabled - April 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)**, in concurrence.)

(In House, April 5, 1999, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 3 Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Position of School Nurse Consultant
H.P. 676 L.D. 932
(C "A" H-85)

Tabled - April 13, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**, in concurrence.)

(In House, April 8, 1999, **PASSED TO BE ENACTED.**)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President. Mr. President once again this is another great idea that didn't make it through the budget process but has come before you again in this fashion. It's an ongoing and growing cost into the future and I would request a Division. Thank you.

Senator **HARRIMAN** of Cumberland of Oxford requested a Division.

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#194)

YEAS: Senators: BERUBE, CAREY, CATHCART, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MILLS, MITCHELL

EXCUSED: Senator: DAGGETT

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Protect Victims of Crimes in the Workplace
H.P. 688 L.D. 944
(C "A" H-642)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Alcohol Server Education Courses
S.P. 320 L.D. 954
(C "A" S-228)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228).**)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Mandate

Resolve, Authorizing the Knox County Commissioners to Borrow Not More than \$1,000,000 for Construction or Renovation of a District Court and Office Areas in Knox County

H.P. 703 L.D. 970
(H "A" H-569 to C "A" H-407)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-569)** thereto, in concurrence.)

(In House, May 17, 1999, **FINALLY PASSED.**)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Illegal Transportation of Liquor Law
H.P. 706 L.D. 973
(C "A" H-383)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383)**, in concurrence.)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Funding for the Advisory Commission on Women Veterans

H.P. 732 L.D. 1022
(C "A" H-158)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Encourage Support of Passamaquoddy Tribal Government Through On-reservation Business Activities

H.P. 739 L.D. 1029
(C "A" H-694)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694)**, in concurrence.)

(In House, May 27, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Qualifications for Participation in the High School Aspirations Incentives Program

H.P. 762 L.D. 1085
(C "A" H-86)

Tabled - May 4, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)**, in concurrence.)

(In House, May 3, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide for Management of the Harvest of Seaweed
S.P. 392 L.D. 1171
(C "A" S-114)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114).**)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, to Preserve the Temporary Assistance to Needy Families Block Grant Funds Reserved for Future Use
S.P. 396 L.D. 1187
(C "A" S-40)

Tabled - April 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-40).**)

(In House, April 13, 1999, **FINALLY PASSED.**)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act Relating to Tree Growth Reimbursement
H.P. 867 L.D. 1224
(S "A" S-256 to C "A" H-389)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389) AS AMENDED BY SENATE AMENDMENT "A" (S-256)** thereto.)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Promote Historic and Scenic Preservation
S.P. 429 L.D. 1266
(C "A" S-96)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 15, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-96).**)

(In House, May 14, 1999, **FINALLY PASSED**.)

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 26 Members of the Senate, with 1 Senator having voted in the negative, and 26 being more than two-thirds of the Members present and voting, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Additional Funding for the Maine Indian Tribal-State Commission

H.P. 944 L.D. 1341
(C "A" H-161)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161)**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses

H.P. 948 L.D. 1345
(C "A" H-249)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create a Sales Tax Exemption for Child Abuse and Neglect Councils, Child Advocacy Organizations and Community Action Agencies

H.P. 976 L.D. 1374
(S "A" S-336)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-336)**.)

(In House, May 27, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Expand the Uniform 1998 Special Retirement Plan to Include Baxter State Park Authority Rangers, Fire Marshals and Certain Additional Correctional Employees

H.P. 978 L.D. 1376
(C "A" H-687)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-687)**, in concurrence.)

(In House, May 27, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Establish a Police Cadet Program for the State, Municipal and County Law Enforcement Agencies

H.P. 988 L.D. 1386
(C "A" H-151)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)**, in concurrence.)

(In House, April 26, 1999, **FINALLY PASSED**.)

FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Ethanol Production as Alternative Fuel
H.P. 1032 L.D. 1454
(C "A" H-632)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-632)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend Maine's Family and Medical Leave Law
S.P. 511 L.D. 1512
(C "A" S-217; S "B" S-323
to H "A" H-576))

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AND HOUSE AMENDMENT "A" (H-576) AS AMENDED BY SENATE AMENDMENT "B" (S-323)** thereto.)

(In House, May 25, 1999, **PASSED TO BE ENACTED**.)

At the request of Senator **BENNETT** of Oxford a Division was had. 15 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Criminal Law Procedures Regarding Defendants Found Incompetent to Stand Trial
H.P. 1076 L.D. 1523
(C "A" H-637)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-637)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery

H.P. 1079 L.D. 1526
(C "A" H-307)

Tabled - May 10, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307)**, in concurrence.)

(In House, May 7, 1999, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Liability Limit under the Maine Tort Claims Act

H.P. 1118 L.D. 1577
(C "A" H-565)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565)**, in concurrence.)

(In House, May 20, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Clarify the Sales Tax Exemption for Food Service in Educational Institutions

S.P. 534 L.D. 1596
(C "A" S-174)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-174)**.)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Relating to Medicaid Liens

H.P. 1176 L.D. 1687
(C "A" H-653)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**, in concurrence.)

(In House, May 26, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine Criminal Justice Academy in Waterville; Part of the Kennebec Arsenal in Augusta; Part of the Maine Youth Center in South Portland; and 2 parcels in Gray near the Pineland Center and to Purchase Land for Wetland Mitigation Purposes in Connection with the Construction of the Maine State Prison at Warren

H.P. 1203 L.D. 1713
(H "A" H-516 to C "A" H-413)

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413) AS AMENDED BY HOUSE AMENDMENT "A" (H-516)** thereto, in concurrence.)

(In House, May 24, 1999, **FINALLY PASSED.**)

FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create the Sex Offender Registration and Notification Act of 1999

S.P. 597 L.D. 1721
(C "A" S-332; H "A" H-679)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332) AND HOUSE AMENDMENT "A" (H-679)**.)

(In House, May 26, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levenson Center in Bangor

S.P. 620 L.D. 1785
(H "A" H-556 to C "A" S-160)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-160) AS AMENDED BY HOUSE AMENDMENT "A" (H-556)** thereto.)

(In House, May 17, 1999, **FINALLY PASSED**.)

FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish a License for the Marine Shrimp Fishery
S.P. 649 L.D. 1829
(C "A" S-153)

Tabled - May 11, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 4, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-153)**.)

(In House, May 10, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Make More Uniform the Training of Firefighters
S.P. 656 L.D. 1878
(C "A" S-194)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-194)**.)

(In House, May 11, 1999, **PASSED TO BE ENACTED**.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I believe this is another one of those Bills that did not make it into the budget process. It does have an ongoing cost of over \$150,000 a year. So I'd like to ask that when the vote is taken on this item that we record the yeas and the nays.

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#195)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAVIS, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, MILLS, MITCHELL

EXCUSED: Senator: DAGGETT

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Access to Basic Needs for Low-income Maine Children and Families
S.P. 657 L.D. 1879
(C "A" S-290)

Tabled - May 21, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290)**.)

(In House, May 21, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Minimum Wage
S.P. 669 L.D. 1891
(C "A" S-280)

Tabled - June 1, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280)**.)

(In House, May 28, 1999, **PASSED TO BE ENACTED**.)

Senator **HARRIMAN** of Cumberland requested a Division.

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#196)

YEAS: Senators: BERUBE, CAREY, CATHCART, DOUGLASS, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, LIBBY, MITCHELL, NUTTING, O'GARA, SMALL

EXCUSED: Senator: DAGGETT

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Maximum Benefit Levels Provided for Injured Workers
H.P. 1314 L.D. 1897
(C "A" H-548)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548)**, in concurrence.)

(In House, May 27, 1999, **PASSED TO BE ENACTED**.)

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning the Regulation and Treatment of Time-shares
H.P. 1333 L.D. 1916
(C "A" H-690)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690)**, in concurrence.)

(In House, May 27, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create a Staff Position at the Maine Commission on Domestic Abuse
S.P. 689 L.D. 1935
(C "A" S-140)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140)**.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, this is again another new position. It starts off at \$35,000 a year, grows to \$40,000 a year, and continues on from there. Thank you Mr. President.

The Chair ordered a Division.

On motion by Senator **CATHCART** of Penobscot, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#197)

YEAS: Senators: BERUBE, CAREY, CASSIDY, CATHCART, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

EXCUSED: Senator: DAGGETT

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Mandate

An Act to Provide Equity for Veterans of the Vietnam War and the Persian Gulf Conflict

S.P. 692 L.D. 1938
(C "A" S-291; S "A" S-330)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291) AND SENATE AMENDMENT "A" (S-330).**)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Address the Solvency of the Unemployment Compensation Fund

H.P. 1372 L.D. 1970
(C "A" H-681)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-681)**, in concurrence.)

(In House, May 27, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Support the Graduate Education of Speech Pathologists for Maine Schools

S.P. 703 L.D. 1978
(C "A" S-161)

Tabled - May 11, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 4, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161).**)

(In House, May 10, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Limit Entry into the Lobster Fishery by Zone
H.P. 1386 L.D. 1992
(C "A" H-629)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act to Amend the Water Quality Laws to Establish a New Standard for Mercury Discharges
S.P. 716 L.D. 2038
(C "A" S-316)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316).**)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Update the Statutes and Provide for the Basic Needs of the Maine Conservation Corps

S.P. 735 L.D. 2085
(C "A" S-171)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171).**)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is another one of those Bills that adds over \$85,000 per year and adds to the structural gap that we are creating this afternoon. And I'd ask for a Division when the vote is taken.

Senator **AMERO** of Cumberland requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, this Bill is a unanimous Report from the Committee on Agriculture, Conservation, and Forestry. One of the reasons that we felt that it was important, to in fact, put positions into this program is because many Maine students cannot, in fact, participate in the Maine Conservation Corp. They can't have the opportunity for an employment program that teaches them outdoor skills, and provides them with small alternatives that are positive alternatives. Many of us were very concerned about what happens to teenagers these days when they don't have those positive alternatives, and end up providing us an opportunity to fund them in a probation and parole, or fund them in some other kind of facility. So it's a pay now or pay later. We can either provide opportunities for kids to be out in the woods working on trails, working on the Appalachian trail, working on some of our public lands and providing access, or we don't do that. Again, one of the issues I have been particularly concerned about over the last few years is how we are focusing many of our training programs. How we are focusing many of our education programs. We are focusing them in ways that are very much high technology, which is fine. We've got to understand that there are people in this State who want to work with their hands, who want to have different alternatives, who want to, in fact, spend time in the outdoors. Maine students do not have an opportunity to participate in this program because we don't have the staff to, in fact, provide them with even information about the program. So right now we are using a lot of Americorp students in this program and the Americorp students are coming from out-of-state. So we are taking a lot of out-of-state kids and providing them with a job opportunity, an outdoor experience within our parks and our public land, and we're not providing Maine students with that. The reason that this Bill was a unanimous Report from Agriculture, Conservation, and Forestry was concern

that our Maine kids were being left behind. So I would urge you to support this Bill. Mr. President I request a Roll Call.

On motion by Senator **KILKELLY** of Lincoln, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, the good Senator from Lincoln, Senator Kilkelly, has just made a reference to perhaps making use under this measure to send folks up to work on the Appalachian Trail and I would respectfully put a no-no to that. For thirteen years now the National Park Service has been battling with the Saddleback folks in Ranglely over the Appalachian Trail, holding up 500 jobs in the process. So if it's all the same, this program is one that we don't need up there right now. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate, I couldn't agree more with my colleague from Lincoln, Senator Kilkelly. She makes a very persuasive argument and I would love to join her. In fact, in the Part 2 Budget, over \$18 million was allocated in the name of the children. This was one that didn't get to the top of the heap. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. In response to good Senator Benoit regarding the Appalachian Trail. I would just point out that the reason I used that reference so quickly is that several years ago my son was, in fact, part of the Maine Conservation Corp. It was a very positive experience for him, he did spend some time on the Appalachian Trail, and did do some work on maintaining those trails as well as other trails. That particular project is one of hundreds that the Maine Conservation Corp is involved in on all of our public lands, as well as working for towns and cities to support their land as well. So while that is a program, it is not the only program. I would hope that we could, in fact, provide this opportunity for students in the State of Maine to have this experience. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Enacted. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#198)

YEAS: Senators: BERUBE, CAREY, CATHCART, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, DOUGLASS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

EXCUSED: Senator: DAGGETT

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Funds for a National World War II Memorial in Washington

H.P. 1476 L.D. 2116
(C "A" H-270)

Tabled - May 1, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies

H.P. 1518 L.D. 2166
(C "A" H-634)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, the question before us is an Act to Enhance Communication Between the Departments of Corrections, Judiciary, and Law Enforcement. In the testimony we heard, I just offered for your consideration, that we have now come to the point where we have to pass an Act to get various departments of State Government to coordinate and cooperate with each other. Admittedly, the fiscal note is undetermined and there will be some unknown computer programming cost. Seems to me, Mr. President, the bigger picture is that we must ask ourselves, what is it that is going on between these departments that they cannot coordinate and collaborate their activities? I ask for a Division, Mr. President. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, what the Senator from Cumberland said, unfortunately, is true. The fact of the matter is that we've got to keep these agencies' feet to the fire to get them to communicate. In the area of domestic violence not knowing in one court that this person has been a batterer in a variety of different county's because the computers aren't talking to each other. It's a crying shame. This is just an attempt to keep putting their feet to the fire, to say communication is essential. I agree with what the Senator from Cumberland has to say and it's out of frustration that we use what powers we have to say, talk to each other. Thank you.

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 7 Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act to Amend the Maine Residents Property Tax Program
S.P. 776 L.D. 2175
(C "A" S-293)

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293).**)

(In House, May 24, 1999, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Help Homeless Young People Returning to Home or Safe Living Situations

H.P. 1528 L.D. 2181
(C "A" H-654)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-654)**, in concurrence.)

(In House, May 25, 1999, **FINALLY PASSED.**)

FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Mandate

An Act to Authorize York County to Hold Bond Referenda for New County Facilities

H.P. 1533 L.D. 2186
(C "A" H-447)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447)**, in concurrence.)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs

H.P. 1546 L.D. 2202
(C "A" H-403)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)**, in concurrence.)

(In House, May 11, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Mandate

An Act Relating to the Kennebec Regional Development Authority

S.P. 807 L.D. 2219
(C "A" S-356)

Tabled - June 1, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-356)**.)

(In House, May 28, 1999, **PASSED TO BE ENACTED**.)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act to Retain Jobs at Paper Production Facilities in the State
S.P. 816 L.D. 2222
(C "A" S-373)

Tabled - June 2, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-373)**.)

(In House, June 2, 1999, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 6 Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Community Mental Health Services
S.P. 829 L.D. 2230

Tabled - May 21, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED**.)

(In House, May 21, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Fund Training Programs for Water Pollution Control Facility Operators
S.P. 845 L.D. 2244

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED**.)

(In House, May 27, 1999, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate off the Record.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services

H.P. 1572 L.D. 2220
(H "A" H-745 to C "A" H-727)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act to Provide Fairness to Victims of Medical Malpractice
S.P. 450 L.D. 1325
(S "A" S-381 to C "A" S-352)

An Act to Clarify the Equine Activity Law
S.P. 749 L.D. 2108
(C "A" S-305; S "C" S-379)

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Revise Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY)

S.P. 738 L.D. 2088
(S "A" S-322 to C "A" S-292;
S "A" S-358; S "B" S-368;
S "C" S-377)

In Senate, June 2, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AS AMENDED BY SENATE AMENDMENT "A" (S-322) thereto, AND SENATE AMENDMENTS "A" (S-358); "B" (S-368) AND "C" (S-377), in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) AS AMENDED BY SENATE AMENDMENT "A" (S-322) AND HOUSE AMENDMENT "A" (H-747) thereto, AND SENATE AMENDMENTS "A" (S-358); "B" (S-368) AND "C" (S-377), in NON-CONCURRENCE.**

On motion by Senator **KILKELLY** of Lincoln, the Senate **RECEDED** and **CONCURRED**.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/2/99) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Law Governing the Confidentiality of Health Care Information"
H.P. 1156 L.D. 1653

Majority - **Ought to Pass as Amended by Committee Amendment "C" (H-705)** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-281)** (1 member)

Tabled - June 2, 1999, by Senator **PINGREE** of Knox.

Pending - motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-705)** Report, in concurrence

(In House, May 27, 1999, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-705)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-705) AS AMENDED BY HOUSE AMENDMENT "A" (H-708)** thereto.)

(In Senate, May 28, 1999, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, for the past hour I have been reading this Majority Report and deciding that I think it goes too far, and I'm sorry to have to admit that. I think we are all trying to strike a balance, given the day and age we're at, where communication of confidential information can happen real easily. This reads as though it were in favor of full disclosure forever. Well it limits it to 30 months, for a variety of reasons, and I've listed them. The earlier draft that we all know didn't get that right either, and our phones rang off the hook in January. Specifically, in my opinion, because the family and the clergy couldn't get word about their loved ones or their parishioners once they were in the hospital. Now it basically says things like, no longer do you have to get subsequent disclosure after you have gotten initial authorization for disclosure and basically, as I said, it goes on for 30 months. It used to be that the earlier provision, that we repealed in January, at least said, no subsequent disclosure unless it is for the stated purpose of the initial disclosure. So basically it reminds me of when I was in Girl Scouts and we played telephone. The first girl would start with one issue and by the time it hit the 20th Girl Scout the message and the information was completely wrong. Also, it says the information can reach independent contractors. Then it goes on to say that it can't be used for marketing purposes, so the prescription drug company, knowing that I'm on a certain drug, can't send me ads and junk mail in my mail box. But I just simply don't understand, when you release the information as many times as you're allowed to over the course of 30 months, how you can then say that marketing won't result from this. The provision is there. I don't know how you'd make sure it is enforced. Lastly, I think it's just legally indefensible to use vague terms like, where practical, and good faith. Basically say that this isn't allowed for the purpose of marketing but there is no way to make sure it isn't used for marketing. To then go on to say that it has to be an intentional violation on the hospital's part. Given the number of ways this Majority Report allows for disclosure, I do not believe that there can be a case made for proving that the medical authorities intentionally wanted to violate the terms of this provision. I think that the opportunities for disclosure are many. I understand how much work went into this. I would hope that with time we will strike a healthier balance. In my opinion, for the people that were at the table, this somehow codifying what is confidential and what is disclosable without being legally liable is certainly an important issue. How it protects the consumers and the patients isn't obvious to me in reading this. And for that reason I'll be reluctantly voting against these provisions. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President, and women and men of the Senate, I have some very fundamental reservations about this Bill, for which reason I believe I'll be voting with the good Senator from Waldo against the Committee Report. As I understand the problem that was presented to the Committee, and I hope I understand it correctly but this is my own personal observation of the problem as supported by what I have heard. I have not personally heard of many problems arising from healthcare providers disclosing information inappropriately. I am not aware that doctors offices are releasing information helter skelter, or inappropriately, or negligently. I'm not aware that hospital release of information is a problem in this state, or that nurses, for instance, or employees of hospitals are violating policies that have been long established about protecting this sensitive information. It isn't a problem within the healthcare community. What I have heard is that there are sometimes difficulties when the information is properly released by these providers, these people who actually generate the records that we're talking about, those who have access to our private information. When they have generated a record and then properly released it to an insurance company, or to someone who sells pharmaceuticals, or to someplace outside the healthcare provider community. That it is the transfer of that information that has been properly released. That is the subsequent transfer of information that sometimes violates our sense of propriety. Now that is a difficult problem to solve, and it means possibly passing laws or bringing these corporate entities that are outside of our licensing procedures to some sort of tightened sense of security about these records.

That is not the problem that has been addressed by this Bill. The Bill title was taken over by the healthcare community by the very providers who have very stringent rules of ethics about these unauthorized releases already. Now they have created a Bill that is a whole series of safe harbors saying, oh it's okay no matter what our rules of ethics say, it is okay to release records under these situations, and they are enumerated in the Bill. We are making a law about something that has, heretofore, been handled as a matter of ethics and has, in my observation, not been a problem. If a nurse talks about a patient's problem and identifies that patient by name and is inappropriately discussing that information over cocktails somewhere, that nurse's license can be pulled by a simple complaint to the Licensing Board. That is one of the reasons why we have Title 32, that is chock-full of licensing measures for plumbers and electricians, and yes, nurses and doctors and lawyers. One of the licensing criteria for healthcare providers, and for my own profession I might add, is that we must abide by ethical rules. Hospitals, as part of their licensing, must have set policies on how to control the dissemination of information. These are long-standing, time-worn, well acknowledged procedures and rules that have been in place for decades, maybe since the time of the Greeks. I don't know, but that system, such as it is, isn't broken. It does not generate lawsuits. Nobody sues anybody ever, that I know of, for releasing information inappropriately. But if there is an inappropriate slip, then there is a complaint to the board that manages the license of the person who made the unauthorized release and there may be a fine, there may be a suspension, there may be a disciplinary warning, there may be a letter written, but there is a range of sanctions available to punish the very person who is responsible for that release. In my opinion, there is no need for a law to replace those very profound ethical obligations. One of the reasons that I suspect that this whole difficult area has been left to ethical rules is because of the great

difficulty in writing down in black and white little rules that will spell out all of the circumstances in which release is appropriate and all of the circumstances where release is not appropriate. Instead we have left it, really, to a case by case analysis by the professions that are in charge of managing the ethics of the people who belong to that profession. I suggest to you that that is exactly where this issue should remain until someone comes forward and says that a particular profession is incapable of managing its own licensing procedures. I have heard stories that somehow prescription drug information is being released to those who would like to sell drugs, and that people are, somehow inappropriately, being solicited to buy certain products based on knowledge of their medical needs that has been obtained through inappropriate avenues. Perhaps, through pharmacies, I don't know. But let me hypothetically suggest, suppose the pharmaceutical profession is inappropriately releasing information; that some pharmacy in this state is inappropriately releasing names and medical conditions. I don't know if that is true or not, but suppose it happened. Somebody who's agreed to that, somebody who understands that this has happened to himself, should complain to the Board of Pharmacy and the pharmacist who has released that information should be sanctioned under his license. And if for some reason the Board of Pharmacy isn't acting appropriately in cases of that kind, then perhaps, we should deal with that problem. But to attempt to take this extremely difficult area, which has to be decided because of its very sensitivity and its nature and its difficult. These cases, by their very nature, have to be decided individually case by case by case. To take an example, there is a safe harbor in this Bill that says, if you pass this Bill beginning in October of 1999 it will be okay to release medical information willingly to any member of the household that the patient resides in. I don't know that, that ought to be a statutory safe harbor. I would rather have our current rules of ethics in place which say, basically, that a doctor should exercise his judgment. That's when the nurse should exercise judgment. That is why they are professionals. Clearly if a spouse comes in, and the two spouses are living together and the doctor knows that, and it's a small town and everybody knows that, then clearly the information should be released, and freely so. Without getting any form signed or any oral waivers; without looking up in a statute book. I mean you use common sense. It depends in each case on what the doctor and the nurse knows. If the spouses are estranged, or if there is some problem in the household, or the doctor, in his judgment, figures that it's inappropriate that a child know about the condition of his mother, or some such thing, then he should exercise judgment in releasing that information and perhaps not release it even though the statute that is before us, this Bill, would authorize willy-nilly the release of that information, subject, of course, to the patients intervention.

I think that this Bill, which was crafted by the medical provider community to create safe harbors for itself, does no more than that, and does it inappropriately, and addresses a problem that does not exist. Then the Bill fails to address what I understand to be a significant problem about corporations buying and selling medical information attached to Social Security numbers and names and the general transfer of data. How do we deal with that? I don't know, but Congress has considered it a problem. Back in the summer of 1996 Congress passed the Kennedy Kasbaum Act, which is sometimes known as the Kasbaum Kennedy Act, shortened to KK, and has directed the Federal people to come up with some rules dealing with the wholesale transfer of this information. Some of those rules will

be filtering down and certainly, as with all Federal rules, will eventually impact our own healthcare providers, our hospitals; anybody who must take advantage of the Medicare/Medicaid programs or Federal funding. So there will come a time when we will probably have some statutes or some rules that may deal with some of the larger issues about health data transfer. Perhaps, it would be the better part of valor for us to wait for those rules to be in place. I understand they are coming this summer and then, if we need to, consider passing rules or statutes that might supplement what the FEDS would be doing to us. I think the Bill, as it came out of the Committee, is both premature and unnecessary. I think it provides for automatic release in many situations where good professional judgment would dictate to the contrary. I think that the situations where there are, in those very rare cases, where a medical provider might violate his ethical standards, I think that person should be brought before his/her own professional board. The situation should be dealt with there and the situation should be decided on a case by case basis. And not by law because I don't really think it is possible to deal with these situations, these very sensitive situations, by a comprehensive Bill of this sort. For that reason I will be opposing the Committee Report.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator PARADIS: Thank you Mr. President. Men and women of the Senate, I urge your support of the Majority Ought To Pass Report for a lot of the reasons that we just heard. This Bill is not about the health community, health facilities, attorneys, or NCLU. It's not about them, it's about our constituents. The people that are not necessarily in the Chambers today. When this issue started bubbling up to the surface about 60 stakeholders were at the table looking at this. It doesn't sound like it was a handful of people trying to self-aggrandize. They think we're doing the job. That is why they are not here today. During the 118th Session we did pass a critical important Bill by declaring that an individual's healthcare information is confidential. It was the first time Maine has ever had a law that established any safeguards to protect the confidentiality of medical information. And we have heard that the Feds have been looking at this for years. We've heard that they possibly might have rules. But the Feds have looked at a lot of the work that Health and Human Services of Maine has done very favorably. We're very close to the people. We are a very hard working Committee. We are very sincere about what we are trying to do. And I would like to think that the Feds will adopt some of the things we are adopting today. From what we hear from Donna Shalala, she will be opening some things up more than we would like them opened up.

One of the safeguards that is interesting in this law is that it requires authorization from the patient before releasing any healthcare related information. This was in the last Bill with 11 exceptions; specifically defined circumstances where disclosure is permitted without any patient authorization. It all sounded so simple and reasonable. The new law precipitated an outcry from our constituents. The calls and letters poured in. They complained about the paperwork and they complained about the restrictions. They complained, for example, because without specific written authorization from the patient for each circumstance, emergency rooms could only confront the presence of your family member and disclose a statement of general health conditions. Clergy and friends could not call or

visit. Family and friends could not pick up your prescriptions for you at the drugstore, for example.

The message from our constituency was clear. The new law needed to be modified. Not Repealed, no one disputed the underlying rationale, but modified because the law was overly restrictive. The Committee, after almost four years, was down to a few dozen stakeholders. It began at length the negotiations we were charged with. We felt charged by our fellow Legislators to negotiate. Again, our constituents are not here today, maybe some professions are, but it is not about them. After the first action, which was to delay the implementation of the new law, we took the responsibility to do a comprehensive review of this confidentiality Bill. We took our responsibility and charge, and so did the many stakeholders, as I have said. Today we bring you L.D. 1653. 98% of the contents of this Bill, it doesn't sound like it but it is, the original Bill. It is a high-quality, pragmatic document. We kept our eye on the goal of achieving maximum protection of healthcare information while responding to our constituents concerns and working with all the interested parties. Therefore, hopefully minimizing the risk of any unintended consequences. What you have before you, therefore, is an excellent policy framework that applies to all providers in our Healthcare System. This Bill provides a set of rules to govern the disclosure of healthcare information. Currently providers who are not bound by a professional code of ethics have no rules. For example, without the protections of this Bill, your personal healthcare information can continue to be bought and sold without your permission or used inappropriately. In a recent Wall Street Journal article a Boston psychologist, Charles Welch, was startled when an attorney who was interviewing him as an expert witness suddenly pulled out Dr. Welch's own medical record to interrogate him with. That can happen to any one of us if the parameters for controlling what is released to anybody doesn't exist, except for some who have a universal code of ethics they won't go beyond. However, some physicians are also complaining that they seemed to be forced more and more by some companies to provide data that they don't feel is necessary for a bill to be paid. To say that the Bill does not go far enough is to belie the fact that it went too far and we bought those arguments. They did not work and that is why we're back here. We think we did it right, so I really urge you to join me in supporting this 12 to 1 Committee Report.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator TREAT: Thank you Mr. President. Men and women of the Senate, I am also going to be a no on this vote, and I am also a reluctant no. This is an issue that, unlike the Senator from Somerset, Senator Mills, I do believe is a problem. The problem to me is particularly the problem identified by the Senator from Aroostook, Senator Paradis, the transfer and sale of data and records. So I am someone that would really like to see a law in place. I had planned initially to vote for the Majority Report but that was before I sat down and read it. I do think that it's important for us to make our own decisions. I know on this issue, that this is one where one day, I don't know what day it is anymore because I was here so late last night that I've confused the days, there was a stretch of time in there where within the space of about 15 minutes five different lobbyist from different points of view on this Bill snagged me in the hallways and tried to tell me what to do. I came to my decision myself and it mostly is because I sat down and read the language of the Bill. The first

thing that concerned me is that I didn't understand it. I found it to be very confusing and I found that the way I interpreted it was directly opposite from the way that many of the members of the Majority Report interpreted the Bill. Which gave me concern, because I do think that one of the first things we need to do in this Legislature is to try to draft legislation that is understandable. Now, I know how this happens. When you have 50 and 60 stakeholders in a room over a long period of time, Bills can get very complicated. It reminds me of last year when the Natural Resources Committee was working on a Bill on the Toxic Use Reduction Act. It came out extremely complicated. I felt, as the Sponsor, very competent to explain to everyone that this was a great Bill, it did exactly what I said it did, and not to worry about the fact that it was extremely long, and extremely complicated, and nobody else could understand it. I think that what happen in that case is what ought to happen here. It didn't pass one of the Bodies and the Sponsors, myself included, took it back and said is there a simpler way we can do this that people can read and understand, that makes sense, that doesn't inadvertently, perhaps, do the opposite of what the intent is.

I share some of the concerns mentioned, but the Senator from Waldo, Senator Longley, and I just want to mention a couple of those concerns specifically to put on the Record. The potential for re-release I think is a serious concern. Specific language that bans that has been stricken from the Majority Report. I understand that Committee members believe that, nevertheless, it is still prohibited. However, as I read it, I am not comfortable that is clearly stated. I'm concerned again about the language and the enforcement provision, which inserts the word intentional into a part of the law which did not have intent in it. It said if you violate this, then you are liable to pay a penalty. Now it must be an intentional violation.

Some of you know another Bill that we spent over a week messing around with, the Equine Liability Bill. What was one of the big concerns, the word intentional. We reworked that language to talk about reckless disregard and other standards that are a different level of protection. So again, these are important issues that, when I looked at the language, did not seem adequately addressed. I'm concerned about the list of people who can release information and the ease with which they can release information about you. There appears to be an hierarchy, but it doesn't say it is a hierarchy. Those, again, are the kinds of things that perhaps can be fixed in an Amendment but my sense is that this Bill is not fixable in the way it is written now and it will be much better and clearer to start again and write it all down from the beginning without trying to amend here and there, over and over again trying to fix it up. I think that what happened here, in part, is that a fairly narrow problem developed with the legislation that was enacted last year. That narrow problem had to do with what information hospitals can give out to the public or members of your family about the fact that you are in the hospital. As a consequence, I guess, of trying to fix that narrow problem, a lot of other things were fixed, or perhaps not fixed, made more confusing and less protective on this whole other area which is data transfer of records and all of that. And that is the area where I, personally, have much more concern. It seems that, in trying to fix a narrow problem, a whole lot of things were swept in to that fix in a way that did not improve the final legislation. I know that the Committee Members have a concern that if we do not vote for this Report we will be left without protections that we really need. And, as I said, I do share the concern that we need to put something into law, as quickly as we can, that is a good piece of legislation. But I would point out, we

are the only State in the Nation that has taken this step. It's not as if every other State is out there way ahead of us. I think we do have some time. It's better to do it right than to rush into it and make mistakes that are going to haunt us in the future. Again, the intent here is great. I know the Committee worked hard. I served on that Committee for four years and I know how tough these issues are and I respect their work on this. But I just found, after reading this Bill myself and thinking about it, I didn't think I could support it. So I will be voting against the motion that is pending.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator MITCHELL: Thank you Mr. President. Ladies and gentlemen of the Senate, I am quite surprised because we have worked on this Bill for three years. And the concerns that were brought up, I do wish that the good Senator from Somerset and the good Senator from Waldo, had been able to join in and listen to the testimony that was given by our constituents, by concerned people from various medical services, as well as, the doctors, the hospitals, our constituents, and medical agencies. This proposed legislation on confidentiality of healthcare information is both a complex document and a complex issue. Most of us cannot expect to have the comfort level associated with complete understanding of either the issue or the document to start with. Why do we need this law? Of primary importance, patients must feel sure that information will be kept confidential or they may withhold information. Treating professionals must also be assured of these protections when they enter important treatment information in a clinical record or they may not record such information. Medical confidentiality lies at the heart of the healing relationship. This Bill enhances, not undermines, protections of confidential health and medical information.

This Bill establishes, for the first time in Maine statute, that a person's healthcare information is confidential and sets some ground rules under which information may be released; not must be released. Opponents of L.D. 1653 claim that current common law protections for medical information are better than this law and I strongly disagree. While the existing licensing laws for physicians and for hospitals might be considered adequate, there are really no laws protecting your medical information when it is in the hands of other health facilities and providers. The problem is the medical profession business is very competitive and is growing. Yes, our large hospitals and many doctors offices do have rules that their professional people follow, but there is still the opportunities where those rules aren't uniform and our constituents are not comfortable. The study that was conducted between the Sessions of 118th found there is no uniformity of ethics or law regarding the practices of allied home practitioners, such as acupuncture, physical therapist, or any of the other 20 or more categories of healthcare practitioners, and little protection for prescription information. And yes, it is true, that's one facet of the concern that our constituents have, that pharmacists can gather your medical information, sell it to someone for marketing purposes, but that's one facet of it. The major problem was that people did not want their confidential information given out. L.D. 1653 creates a system where consumers are protected with a minimal set of standards for all practitioners or providers under which healthcare information that directly identifies the individual may, not must, be disclosed. This Bill prohibits, for the first time in Maine law, the

disclosure of personal healthcare information based on a blanket release form signed by a patient or their authorized representative. Every release form must now contain eight different elements designed to inform patients of their rights, including their right to revoke the release and their right to refuse to release any information. To deal with some of the problems that occurred with the previous law, L.D. 1653 as amended permits oral authorization when written authorization cannot be obtained, for whatever reasons, and also permits certain third parties to authorize disclosure when the individual is unable to do so. It sets standards for authorization forms, limits the authorization, yes, to 30 months, and provides that the authorization may be revoked at any time. Provisions that do not exist today. Release of HIV information remains the same as currently exists and as included in the Minority Report. That was a concession we did make and was included on one of the Amendments that was given. This Bill does not permit release of information to employers. Information may be released regarding appointments or to make appointments for healthcare; to obtain medications or supplies on behalf of another person. Healthcare facilities may provide information to clergy, including religion and place of residence, unless expressly prohibited. It requires all healthcare practitioners and facilities to have policies, standards, and procedures to protect the confidentiality of healthcare information. An important point, information that can be disclosed is restricted to only the information reasonably required for the stated purpose. This Bill requires written or oral authorization for the purposes of marketing or sale, a protection that does not exist today. This is an important piece of legislation to protect all of us as consumers. It is not designed to protect healthcare providers, but to protect each and everyone of us, regardless of the circumstances, while giving us greater control over our personally identified health information. Yes, it was referred to that Congress could be involved and issue guidelines, laws, and regulations. If Congress does not deal with confidentiality by this fall, it will fall to the Department of Health and Human Services to develop regulations. There is no assurance that a Federal law will pass later this year and if a law is not passed Hickford is to develop rules, a process that can take years.

In the meantime, confidential information, healthcare information, would not be protected from such abuses that have already taken place. And if our law is in place, it will be vamped by the Federal law. A sunset clause has been added to this Bill for March 1, 2002 so we can revisit how it is working. It is just like the law that we put though on deregulation of utilities. This is a basic start. We've listened to the people and for two to three years we have worked on what can we do to implement a law to protect confidentiality of records, but to also realize that it will have to be tweaked. There will have to be Amendments brought in, or changes, or another Bill later on. But this is a start and Maine isn't the first. Massachusetts was in the Wall Street Journal the other day, as you saw on an article, it was round robin. And their people, like our NCLU, realize that this is a necessity and it's also going to be enacted. All of us together from various States, when we have met on this particular situation, realize that a law has to be implemented and this is a start and we want Maine to be at the head of this. So please join me and the other 11 members of our Committee on the Majority Report to vote for this law and enact it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you Mr. President. May I pose a question to the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **LAFOUNTAIN:** In reading the Committee Amendment, the Majority Report on Page 7, there is a section called disclosure without authorization to disclose. It contains a laundry list of those people who can receive information without authorization. And in Section R and Section S of that section, it talks about disclosure to members of the media and to members of the public who ask a healthcare facility about an individual by name, of the room number and a brief confirmation of general health status. I'm curious as to what the term brief confirmation of general health status means, since it is not defined in the Bill. Does it mean that if I contact a hospital I'll be told a patient had a heart attack and is scheduled for a triple by-pass tomorrow? Or will I hear that the person is in ICU in stable condition? Thank you.

THE PRESIDENT: The Senator from York, Senator LaFountain poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Mr. President. The standard now is that if anyone calls the hospital you are allowed to tell them good, fair, critical; a basic word. There is not a description of the condition of the person, just that information. In terms of the list of the hierarchy, it was interesting. When I had a recent incident, despite the fact that I have 38 uncles, 100 cousins, 9 siblings, and dozens of nephews and nieces, I had with me an adult who exhibited special concern for the individual. And I was very glad to have somebody there. They did not discuss my medical condition with her, but she was there to handle some of the paperwork and the super foolish stuff. It's almost present practice, what we're doing now, the hierarchy and how we deal with what comes across the emergency room or whatever.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, this Bill has been a dilemma for me from the time I first became aware of it through my efforts with the hospital where I work. Trying to wend our way through the implementation and now the revisions, for which I am very grateful, and I thank the Committee for their hard work and going back to the drawing board for those. The reason that I am most tempted to support this Bill is because of the whole world of healthcare that I don't know anything about. I know sort of the standard hospitals, doctors offices, the drugstore, etc. What I don't know is all the computer lists, the information storage, the selling and marketing of names and information for sales purposes. That, to me, is the great value of the effort that this Committee has made. It is that world, I think many of us are not to familiar with, is moving on and our capacity to regulate or manage that world is being far outstripped by technological developments. So that is the piece that makes me think there is a big body of information and knowledge out there that I don't

know anything about, and I feel inclined to defer to the Committee and say, after three years of examination, if you feel that we really need this, I probably ought to support it. But then the other side of it, and persuaded by the comments of the good Senator from Aroostook, Senator Paradis, to think not about us and the people who have worked this Bill and the people who are in this room who are concerned about it, but of our constituents.

So I want to just give two examples of why I have not been able to get comfortable with this Majority Report. The good Senator from Somerset, Senator Mills, referred to the exercise of judgment. And in my mind that is our best protection. When someone fails to exercise good judgment, some healthcare professional, I believe we have in place either through existing statute, although I understand that's minimal, or through the ethical standards of hospitals, physicians, nurses, etc. I think we have reasonable protection there. The paperwork component of this Bill, as I understand it, is very similar to where we were last January. And that is the piece that my hospital could not get past. I think there was plenty of misinterpretation of the original Bill and the same anxiety about change that we always face when routines are new and different. I spent a day down there at their request watching the flow of paperwork and what happened with patient flow as we try to implement the confidentiality law. And it really wasn't working well for us, although I'm not sure I can identify all of the reasons. I think that the system that had been created was so cumbersome that it was interfering with patient care. So that is example number one. The second is a question I've heard discussed a lot in the last few days: who initiates the whole policy, if you will, of confidentiality? Is it up to the facility to say, we have a policy and here is what it is, sign it or sign off on any portion of it that you choose to, or is it up to the patient to say, what is your policy about confidentiality. I wouldn't want you telling my sister this, my spouse this, my daughter this, or whatever. In my understanding, in this Bill it is incumbent on the facility to provide the patient with the information on their confidentiality policy. And here is the problem that raises for me. When we sign a patient into ER, they sign a consent that says they may be treated in the ER. And if, after their work-up there, we decide they are going to be admitted to the floor, they sign a consent that says they are going to be admitted to the floor. And if they are going to be having any kind of surgical procedure done while they are an inpatient, they sign an additional consent that says that they can have that treatment done. And if we need their records from a doctors office, they sign a consent that says we can ask for those records from that office. And if there is any possibility that they might need to be administered blood while they're there, they sign a consent that says yes, if you want to give me blood, you can give me blood. This is all right at the point of admission. Then we give them a little booklet that says Welcome to our Hospital, here's when the visiting hours are, here's where your room is, and all that sort of thing. Then, by State law, we must give them information on a living will. Those conversations usually go like this: do you happen to have a living will? And they say oh yes, dear, I'm leaving it all to my son. And I say no, that's not what a living will is about. A living will means have you made decisions about how you want to be cared for in case you become more seriously ill than you are now. That's a pretty sensitive issue to try to bring up with a patient right at that particular point, they are usually anxious, and so that takes some time to do and it involves a whole packet of paperwork. Now, I think I understand, that the patient will also be given the hospital's confidentiality policy. These policies aren't simple. I assume they are going to be multi-paged kind of things and they

will go through information about the media, the clergy, flowers, phone calls, diagnoses, other doctors offices that might be contacted, the fact that we have students in our hospitals and is it okay if the student participates in your care, do you mind if a video tape is done because we use those in teaching situations. It's an awful lot of information to give a patient very early in their admission. But the telling thing to me is that probably 90% of the time when I take a patient from my ER up to the floor and I tuck them into their bed on the floor and I turn them over to the nurse there, they will leave behind the simplest, tiniest piece of information which says visiting hours are 7 to 9. So if they're not even going to read or hold onto that, what are the chances that they're going to read and hold onto a multi-paged confidentiality policy. So I can only go to the fall-back, which was described so well by the Senator from Somerset, and say that in the patient-care setting the exercise of the judgment of the caregiver and the ethical standards of all of those professionals, be they physicians, nurses, CNAs, LPNs, physical therapists, or anyone else who does care of a patient, should suffice. I believe that in most cases, if the practitioner is following those standards, it does suffice. For that world out there that I don't know, I think this Committee is on the right track but I'm afraid this Bill leaves me with a discomfort level that is too much for me to accept and I will be opposing the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President. May I please pose a question through the Chair?

THE PRESIDENT: The Senator may pose a question through the Chair.

Senator **BENOIT:** Thank you, sir. My question is whether the Committee on Health and Human Services, as part of their work on the Bill, contacted the Commissioners on Uniform Laws to determine whether, in this Nation, the Commissioners have put together an Act on this subject?

THE PRESIDENT: The Senator from Franklin, Senator Benoit, poses a question through the Chair to anyone who may be able answer. The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Mr. President. While I am on my feet I will respond to an issue that just came up. We will have an Amendment that will be more explicit in terms of the document that will be presented to the person as they come in. Most of the work we did, and I'm not sure I'm going to be answering the question, was based on what was the uniform ethical, whatever. That is one segment of it. The other segment is absolutely what has been floating out there that is not as well controlled. But we tried to respect what was already in law now.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Murray.

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, I will be supporting the Majority Report. I wanted to share with you briefly a few reasons why. I will start by making the confession that I think many of us have already made this afternoon, that I have come to this decision with a great degree

of hesitancy and concern, and I still have that concern. I will share that with you as well. I read down through the language of the proposed Amendment, as I suspect many of you have, and it is clear in my mind that this document is not a perfect document. I was able to spin out in my mind, on creative moments anyway, horrible hypotheticals that I found problematic with some of the language in this proposed Amendment, which gave rise to some concern and trouble in my mind. But I suspect those horrible hypotheticals exist very much today in today's practice and procedures as they exist in doctors offices, hospitals, and perhaps, as the Senator from Hancock suggests, even more so in those areas that we're not so in tune with such as pharmaceuticals or other healthcare providers that might not be so strictly controlled or under such strict ethical or professionals guidelines.

So what did that leave me with in reaching a decision? Well, I dictated my decision making ultimately on two or three factors. The first and foremost in my mind is that the current version that was enacted last year, and that is currently in some kind of limbo, cannot come back into effect. That was my first motivating factor. That obviously created problems that I think all of us experienced, to a significant degree, with the public that we serve. If, in fact, we don't do something and we, in conjunction with the other Body, do something collectively, we are going to be stuck with that version as it is. So that motivates me initially. Something affirmative and positive has to happen within the next, hopefully, two days. Secondly, the argument about the common law as being sufficient. That had some appeal to me as well, initially. In the last day or so we've heard from a number of folks that basically have confirmed in my mind that there really isn't a common law developed on this issue to any great extent. There is certainly practices, ethical licensing and otherwise, that exist and many different entities in the healthcare field follow. That is not exactly the same thing as a common law of confidentiality that we can look to and feel any great degree of confidence with. So, that doesn't exist to the degree that I'm comfortable or satisfied with. So, what that then leads me to, with the Majority Report, is that if we pass this Majority Report, we start with the premise that says this information shall be confidential. It states it in law and it states it in the statute. That does not exist as of right now. The meat of this Bill, in my opinion, is found on Page 4 in Section 2. That's the nub of it, that's where it says this information regarding healthcare information shall be confidential. Obviously, as we know, it then goes on because we can't stop there because of the realities of healthcare situations. Were we to simply say, thou shalt be confidential forevermore, we are going to be hit with those hypotheticals very quickly that present us with the family member that's not getting the information, etc, etc. So it goes from this basic premise and sets forth in the statute some of the areas where disclosure is going to be appropriate.

But what is important, and the reason why I'm going to end up supporting this measure, is that it first and foremost sets forth that premise, that this information shall be confidential. The final point I want to share with you and the reason why I feel comfortable in supporting this, perhaps comfortable may be too strong a word, but supporting it none the less, is that same Section 2 that I just pointed to you and I think this is addressing some of the issues that the good Senator from Somerset and others have raised with regard to existing protocols and ethical standards. That same Section says very clearly that nothing in this statute prohibits or lessens the use of any of those ethical standards. I don't think by us passing this Majority Report we are

going to be faced with a situation that common sense will automatically fly out the window. Presumably with those healthcare facilities, especially those that are more strictly licensed, those licensing standards will remain tomorrow if we pass this Bill today. Those ethical standards by which professionals are governed by will remain tomorrow if we pass this Bill today. And this Bill clearly sets forth that those standards are fine, so long as they are stricter than the basic statement that will be part of State law here saying, information shall be confidential. So the mere fact that we are imposing this premise in statute that says this information, from this point forward shall be confidential, does not mean that those same standards, with which many of us have higher comfort level, are going to disappear. To the contrary, I think they will remain and, for the most part, dictate practice from a day to day basis. Finally, as has been said, this Bill is automatically sunsetted. The issue is certainly not going to go away. This does have enough protection in it so that we can, obviously, try it out. See if those horrible hypotheticals that I made reference to actually create problems, and if so, deal with them accordingly. The alternative, I'm afraid in my mind, is worse than going forward with the Bill that obviously has, I won't say flaws, but is obviously not a perfect Bill. For all of those reasons I would urge you to take the course that I'm suggesting and support the Majority Report.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I join with the Senators, Senator Longley from Waldo, Mills from Somerset, Treat from Kennebec, and Goldthwait from Hancock, in opposing the pending motion. In the last Session we made a mistake on this subject, a bad mistake. How bad was it? Well, the first piece of work we had at this Session was to suspend the mistake. It is still under suspension, as we speak about this Bill. Now, in the eleventh hour in this Session, we are about to enact what many here, including myself, consider to be another mistake. Now I just heard really weighty words from the good Senator from Penobscot, Senator Murray. He said he is uncomfortable with this Bill. There is some hesitancy about supporting it. Now that wouldn't disturb me a whole lot if I thought that he was an off the wall Senator, but he is not. He is a careful Senator. I have seen his work and if he is uncomfortable, I join that with the positions expressed by the Senators that I have already mentioned, and I cannot support this Bill. When in doubt, vote it out. And what about the common law? It's common sense. That is what the common law is. That's our whole Body of common law. It's a Body of law that grew over the years, not from any Legislative Body, but from people acting in common sense ways. That's still available to us. Senator Mills has pointed out just what is still available. We're not deserting anyone in failing to support this measure but I will not be able to support it being uncomfortable and having a lot of hesitancy about it. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President. Men and women of the Senate, I spoke much too long before and I'm afraid that the price I paid is that my major point was lost. So I want to state it once and sit down. The Bill says that this information is confidential, as the good Senator from Penobscot stated. But then the rule of

confidentiality is that the information may not be disclosed by the healthcare practitioner or facility. Now that means that this entire statute applies only to people who are licensed or authorized to practice medicine or medical arts here in Maine. As I understand the problem, the wholesale disclosure of medical information to those who would sell or take economic advantage from that disclosure isn't addressed by this Bill. The Bill provides a variety of ways in which the information may be disclosed to insurance carriers and others who have a need to know. But once it gets outside the licensed community, the Bill is completely inapplicable. It does not constrain any non-licensed entity from going ahead and considering the information to be public. And so it doesn't address the evil that we have heard about anecdotally. It winds up being a set of rules that are confined to the licensed community of healthcare providers who already have their own rules and if they don't, if their rules aren't good enough, they should be improved. That is my point, and that is the reason I would urge that we vote against the Majority Reports so that we could adopt the Minority Report, which as I understand it, will put us back to a position to where we were before the Bill was introduced. Thank you.

The Chair ordered a Division.

On motion by Senator **MILLS** of Somerset, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **MURRAY** of Penobscot who would have voted YEA requested and received leave of the Senate to pair his vote with Senator **DAGGETT** of Kennebec who would have voted NAY.

ROLL CALL (#199)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BERUBE, CAREY, DAVIS, HARRIMAN, KIEFFER, MACKINNON, MICHAUD, MITCHELL, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RUHLIN, SMALL, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: BENOIT, CASSIDY, CATHCART, DOUGLASS, FERGUSON, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MILLS, RAND, TREAT

PAIRED: Senators: DAGGETT, MURRAY

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators having paired their votes, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-705)** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "C" (H-705) **READ.**

House Amendment "A" (H-708) to Committee Amendment "C" (H-705) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Mr. President. Men and women of the Senate, this was an Amendment that was placed from the other Body. A compromise has been worked out and I will be presenting it shortly, so I move to vote to Indefinitely Postpone this Amendment.

On motion by Senator **PARADIS** of Aroostook, House Amendment "A" (H-708) to Committee Amendment "C" (H-705) **INDEFINITELY POSTPONED, in NON-CONCURRENCE.**

On motion further motion by same Senator, Senate Amendment "A" (S-382) to Committee Amendment "C" (H-705) **READ and ADOPTED.**

Committee Amendment "C" (H-705) as Amended by Senate Amendment "A" (S-382) thereto, **ADOPTED, in NON-CONCURRENCE.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "C" (S-705) as Amended by Senate Amendment "A" (S-382) thereto.

On further motion by same Senator, Senate Amendment "B" (S-383) to Committee Amendment "C" (S-705) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate, this Amendment requires that the confidentiality policies of healthcare facilities must be provided to individuals being admitted for inpatient care, and the notice of the rights control to disclosure of healthcare information. Thank you very much.

On further motion by same Senator, Senate Amendment "B" (S-383) to Committee Amendment "C" (S-705) **ADOPTED.**

Committee Amendment "C" (S-705) as Amended by Senate Amendments "A" (S-382) and "B" (S-383) thereto, **ADOPTED, in NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-705) AS AMENDED BY SENATE AMENDMENTS "A" (S-382) AND "B" (S-383)** thereto, in **NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

H.P. 690 L.D. 957

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-728).**

Signed:

Senator:

CASSIDY of Washington

Representatives:

COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
LINDAHL of Northport
SAVAGE of Union
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-729).**

Signed:

Senators:

O'GARA of Cumberland
PARADIS of Aroostook

Representatives:

FISHER of Brewer
JABAR of Waterville
BOUFFARD of Lewiston

Comes from the House with the Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION.**

Reports **READ.**

On motion by Senator **PINGREE** of Knox, Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION**, in concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

Senator **AMERO** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Revise the Salaries of Certain Androscoggin County Officers" (EMERGENCY)

H.P. 1604 L.D. 2250

Report - **Ought to Pass**, pursuant to Joint Order (H.P. 1158).

Tabled - June 3, 1999, by Senator **NUTTING** of Androscoggin.

Pending - **ACCEPTANCE OF THE REPORT**

(In House, June 3, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

Report **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "A" (S-384) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-384), in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

H.P. 235 L.D. 339

Had the same under consideration, and asked leave to report:

That the House **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (H-354); Indefinitely Postpone** Committee Amendment "A" (H-354); **Read and Adopt** Committee of Conference Amendment "A" (H-748); and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-748), in Non-Concurrence.**

That the Senate **Recede** and **Concur** with the House.

On the Part of the Senate:

Senator **CAREY** of Kennebec
Senator **MURRAY** of Penobscot
Senator **MackINNON** of York

On the part of the House:

Representative **HATCH** of Skowhegan
Representative **DUPLESSIE** of Westbrook
Representative **MAYO** of Bath

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**, and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-748), in NON-CONCURRENCE.**

Report **READ**.

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator **Carey**.

Senator **CAREY**: Thank you Mr. President. The three of us who are in the Senate met with the two House Members, only because the other one was busy or something. But in any event, what we have come up with is a compromise that if an organization has fewer than 15 employees, they can negotiate with management to be able to get one term of office; one two-year term. If there are more than 15 employees, they can negotiate for two two-year terms of office, which is basically half of what they would have been able to get with the way the Bill was. We felt that all of us on the Committee had done our job in making sure that a person would not spend eight years of their life here, as some of us do, because, in fact, they may have been working at some business that wouldn't even last eight years. The average business doesn't quite last that long as it is. So I would hope that you would support that motion that we've made. We have been able to help both management people, out there in private business, and then having some people who had management business come into the Legislature and spend a little time with us. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you Mr. President. May I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **GOLDTHWAIT**: To anyone who can answer this, I'm just trying to look at the Committee of Conference Amendment here. In Section 1, Subsection 1, it says unless covered under Title 20A, Section 13602. The question is, is that the Section that refers to teachers and does this Amendment, indeed, treat all employees equitable or are teachers still left with unlimited leave versus the leave requirements specified in this Bill?

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait poses a question to the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Penobscot, Senator Murray.

Senator **MURRAY**: Thank you Mr. President. Men and women of the Senate, that statutory reference is the reference to the teachers section. This proposal does not deal with that in any way. That will stay the same as it is if no other legislation amends that provision. Apparently, there is some other legislation dealing with it, but we did not address the teacher issue. This applies to all other employees other than those referred to in the Title 20 reference.

Senator **GOLDTHWAIT** of Hancock inquired if Committee of Conference Amendment "A" (H-748) was **GERMANE**.

TABLED pending **RULING OF THE CHAIR**.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1999
H.P. 1603 L.D. 2249

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following matter Tabled pending a Ruling of the Chair:

COMMITTEE OF CONFERENCE REPORT - on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"
H.P. 235 L.D. 339

Report - The House **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (H-354); Indefinitely Postpone** Committee Amendment "A" (H-354); **Read and Adopt** Committee of Conference Amendment "A" (H-748); and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-748), in Non-Concurrence.**

The Senate **Recede** and **Concur** with the House.

Tabled - June 3, 1999.

Pending - **RULING OF THE CHAIR**

(In House, June 3, 1999, with the Committee of Conference Report **READ** and **ACCEPTED**, and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-748), in NON-CONCURRENCE.**)

(In Senate, June 3, 1999, Report **READ** (Roll Call Ordered).)

THE CHAIR MADE THE FOLLOWING RULING:

"The Senator from Hancock, Senator Goldthwait, has questioned whether the Amendment offered by the Committee of Conference is Germane to the Title which says 'An Act to Treat All Employees Equitably'. Normally my answer would be that this is in the eyes of the beholder, but the Chair does not have to reach that conclusion because both the Committee Amendment and the Committee of Conference Amendment changed the title of the Bill to 'An Act to Amend the Law Regarding Leaves of Absence for Legislative Service'. That was done through the Committee Hearing process. It changed the title of the Bill and this Committee of Conference Amendment would be Germane to that title.

THE CHAIR RULED COMMITTEE OF CONFERENCE AMENDMENT "A" (11-748) GERMANE.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just can't help but comment briefly on this compromise. While I certainly appreciate the hard work that the Committee probably did, having employed less than 15 people, as well as more than 15 people, I just find it very difficult to believe that the minute you have more than 15 people they are only worth half as much as they are when you hire less than 15 people. That just doesn't even make any sense. When a person is gone, if they are a valuable employee, they are just as valuable to you whether you have 7 employees or whether you have 23. I just can't support the motion and I would hope that no one else can. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Douglass.

Senator **DOUGLASS:** I just wanted to point out to the Body that the agreement reached by the Committee of Conference is very similar to that proposal made by a Minority of the Labor Committee composed of Representatives Treadwell, Representative Davis, and I believe Representative MacDougall, and Senator Mills. Thank you. I do wish to stand corrected if I didn't accurately remember who, but I do believe those were the individuals.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Committee of Conference Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#200)

YEAS: Senators: CAREY, CATHCART, DOUGLASS, KILKELLY, KONTOS, LONGLEY, MACKINNON, MICHAUD, MURRAY, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LAFOUNTAIN, LIBBY, MILLS, MITCHELL, NUTTING, PINGREE, SMALL

ABSENT: Senator: DAGGETT

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, **ACCEPTANCE** of the Committee of Conference Report, in concurrence, **FAILED**.

Senator **PINGREE** of Knox moved the Senate **RECONSIDERED** whereby it **FAILED** to **ACCEPT** the Committee of Conference Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Committee of Conference Report, in concurrence.

Off Record Remarks

Senator **RUHLIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator **RUHLIN** of Penobscot, the Senate extend until 10:00 p.m., pursuant to Senate Rule 514.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange

S.P. 69 L.D. 172
(C "A" S-144)

Tabled - May 10, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144).**)

(In House, May 7, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-144).

On further motion by same Senator, Senate Amendment "A" (S-389) to Committee Amendment "A" (S-144) **READ** and **ADOPTED**.

Committee Amendment "A" (S-144) as Amended by Senate Amendment "A" (S-389) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144) AS AMENDED BY SENATE AMENDMENT "A" (S-389) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education
H.P. 291 L.D. 399
(C "A" H-26)

Tabled - March 16, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-26)**, in concurrence.)

(In House, March 16, 1999, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-26)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-400) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-26) AND SENATE AMENDMENT "A" (S-400), in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act

H.P. 316 L.D. 432
(C "A" H-464)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)**, in concurrence.)

(In House, May 14, 1999, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-464), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-390) to Committee Amendment "A" (H-464) **READ** and **ADOPTED**.

Committee Amendment "A" (H-464) as Amended by Senate Amendment "A" (S-390) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464) AS AMENDED BY SENATE AMENDMENT "A" (S-390) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act to Appropriate Funds for Acquisitions for the Maine State Library and for Library Resource Sharing

H.P. 374 L.D. 499

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-391) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-391), in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Increase Access to Medicaid for People who Need Psychological Services

H.P. 447 L.D. 610
(C "A" H-208)

Tabled - May 4, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-208)**, in concurrence.)

(In House, May 3, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-208)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-208), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-401) to Committee Amendment "A" (H-208) **READ** and **ADOPTED**.

Committee Amendment "A" (H-208) as Amended by Senate Amendment "A" (S-401) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-208) AS AMENDED BY SENATE AMENDMENT "A" (S-401) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Fund Public School Alliances

H.P. 474 L.D. 681
(C "A" H-95)

Tabled - April 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95)**, in concurrence.)

(In House, April 13, 1999, **PASSED TO BE ENACTED**.)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-402) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95) AND SENATE AMENDMENT "A" (S-402), in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State

H.P. 587 L.D. 827
(C "A" H-156)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-156), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-392) to Committee Amendment "A" (H-156) **READ** and **ADOPTED.**

Committee Amendment "A" (H-156) as Amended by Senate Amendment "A" (S-392) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156) AS AMENDED BY SENATE AMENDMENT "A" (S-392) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Encourage Economic Development in the State
S.P. 315 L.D. 949
(C "A" S-309)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-309).**)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-309).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-309).

On further motion by same Senator, Senate Amendment "A" (S-411) to Committee Amendment "A" (S-309) **READ** and **ADOPTED.**

Committee Amendment "A" (S-309) as Amended by Senate Amendment "A" (S-411) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-309) AS AMENDED BY SENATE AMENDMENT "A" (S-411) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Extend the Maine Residents Property Tax Program to Persons Living in Subsidized Housing Who Receive Certain Disability Payments

H.P. 811 L.D. 1134
(C "A" H-219)

Tabled - May 4, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219)**, in concurrence.)

(In House, May 3, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-219), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-403) to Committee Amendment "A" (H-219) **READ** and **ADOPTED.**

Committee Amendment "A" (H-219) as Amended by Senate Amendment "A" (S-403) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219) AS AMENDED BY SENATE AMENDMENT "A" (S-403) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Funding for the Education Research Institute
H.P. 820 L.D. 1143
(C "A" H-174)

Tabled - May 5, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 29, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174)**, in concurrence.)

(In House, May 4, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-174), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-404) to Committee Amendment "A" (H-174) **READ** and **ADOPTED.**

Committee Amendment "A" (H-174) as Amended by Senate Amendment "A" (S-404) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174) AS AMENDED BY SENATE AMENDMENT "A" (S-404) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study

S.P. 430 L.D. 1267
(C "A" S-212)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212).**)

(In House, May 17, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-212).

On further motion by same Senator, Senate Amendment "A" (S-394) to Committee Amendment "A" (S-212) **READ** and **ADOPTED.**

Committee Amendment "A" (S-212) as Amended by Senate Amendment "A" (S-394) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212) AS AMENDED BY SENATE AMENDMENT "A" (S-394) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Enhance Tourism Promotion and Provide Additional State Revenue

H.P. 914 L.D. 1292

Tabled - April 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 5, 1999, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-406) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-406), in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, to Study the Changes in Lobster Morbidity and Mortality
S.P. 501 L.D. 1502

Tabled - May 29, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED**.)

(In House, April 29, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-395) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-395), in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws
H.P. 1077 L.D. 1524
(S "A" S-265)

Tabled - May 1, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-265)**.)

(In House, May 17, 1999, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-265)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-265).

On further motion by same Senator, Senate Amendment "A" (S-265) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-385) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-385), in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Renew Maine's Economy

S.P. 569 L.D. 1636
(C "A" S-190)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-190).**)

(In House, May 12, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-190).**

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. As a point of clarification, I noticed that last year, or the year before, when a \$100,000 was allocated it was on a one time basis, as was the case this year in the Bills as it is my understanding. I see now that it has been added on an ongoing basis. Could someone explain what that means please?

THE PRESIDENT: The Senator from Androscoggin, Senator Berube poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President. Although I haven't offered the Amendment yet, what the good Senator is talking about, what this does is the Franco Phone, if the Amendment is Adopted, will be a continuation of the Franco Phone for \$50,000 as an ongoing cost. It will no longer be a one-time cost.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-190).

On further motion by same Senator, Senate Amendment "A" (S-408) to Committee Amendment "A" (S-190) **READ** and **ADOPTED.**

Committee Amendment "A" (S-190) as Amended by Senate Amendment "A" (S-408) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-190) AS AMENDED BY SENATE AMENDMENT "A" (S-408) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure that Displaced Workers Have Access to Appropriate Job Training, Education and Employment Services through a Peer Support Program

S.P. 594 L.D. 1718
(C "A" S-242)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-242).**)

(In House, May 20, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-242).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-242).

On further motion by same Senator, Senate Amendment "A" (S-413) to Committee Amendment "A" (S-242) **READ** and **ADOPTED.**

Committee Amendment "A" (S-242) as Amended by Senate Amendment "A" (S-413) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-242) AS AMENDED BY SENATE AMENDMENT "A" (S-413) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Require the Development of a Basic Needs Budget
H.P. 1258 L.D. 1812
(C "A" H-450)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence.

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**, in concurrence.)

(In House, May 14, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-450), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-397) to Committee Amendment "A" (H-450) **READ** and **ADOPTED.**

Committee Amendment "A" (H-450) as Amended by Senate Amendment "A" (S-397) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450) AS AMENDED BY SENATE AMENDMENT "A" (S-397) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Appropriate Funds for Marketing to Promote Economic Development

S.P. 664 L.D. 1886
(C "A" S-120)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 29, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-120).**)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-120).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-120).

On further motion by same Senator, Senate Amendment "A" (S-409) to Committee Amendment "A" (S-120) **READ** and **ADOPTED.**

Committee Amendment "A" (S-120) as Amended by Senate Amendment "A" (S-409) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-120) AS AMENDED BY SENATE AMENDMENT "A" (S-409) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Maine Dental Education Loan Program
H.P. 1367 L.D. 1965
(C "A" H-406; S "A" S-324
to H "A" H-581)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406) AND HOUSE AMENDMENT "A" (H-581) AS AMENDED BY SENATE AMENDMENT "A" (S-324)** thereto.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406) AND HOUSE AMENDMENT "A" (H-581) AS AMENDED BY SENATE AMENDMENT "A" (S-324)** thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-406).

On further motion by same Senator, Senate Amendment "A" (S-410) to Committee Amendment "A" (H-406) **READ** and **ADOPTED.**

Committee Amendment "A" (H-406) as Amended by Senate Amendment "A" (S-410) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406) AS AMENDED BY SENATE AMENDMENT "A" (S-410) thereto, AND HOUSE AMENDMENT "A" (H-581) AS AMENDED BY SENATE AMENDMENT "A" (S-324) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement Funding the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities in the November 1997 Task Force Report
H.P. 1471 L.D. 2111
(C "A" H-294)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-294)**, in concurrence.)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-294)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-294), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-398) to Committee Amendment "A" (H-294) **READ** and **ADOPTED.**

Committee Amendment "A" (H-294) as Amended by Senate Amendment "A" (S-398) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-294) AS AMENDED BY SENATE AMENDMENT "A" (S-398) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create the Capital Riverfront Improvement District
S.P. 760 L.D. 2136
(C "A" S-302)

Tabled - May 25, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302).**)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302).**

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302).**

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, to Provide for the Implementation of a Maine Meat Inspection Program

S.P. 780 L.D. 2190
(C "A" S-274)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274).**)

(In House, May 20, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-274).

On further motion by same Senator, Senate Amendment "A" (S-388) to Committee Amendment "A" (S-274) **READ** and **ADOPTED.**

Committee Amendment "A" (S-274) as Amended by Senate Amendment "A" (S-388) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274) AS AMENDED BY SENATE AMENDMENT "A" (S-388) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, to Establish the John H. Reed-Kenneth M. Curtis Peace Fellowship

S.P. 789 L.D. 2201
(C "A" S-195)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195).**)

(In House, May 11, 1999, **FINALLY PASSED.**)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program

H.P. 1313 L.D. 1896
(H "A" H-625 to C "A" H-602)

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AS AMENDED BY HOUSE AMENDMENT "A" (H-625)** thereto, in concurrence.)

(In House, May 24, 1999, **FINALLY PASSED.**)

The same Senator moved to **SUSPENDED THE RULES.**

Senator **BENNETT** of Oxford **OBJECTED.**

The Chair ordered a Division. 17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **MICHAUD** of Penobscot to **SUSPEND THE RULES, FAILED.**

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining" (EMERGENCY)

S.P. 847 L.D. 2247

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-415)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-415) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excepted from Collective Bargaining for the Judicial Branch" (EMERGENCY)

S.P. 848 L.D. 2248

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-414)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-414) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Promote the Cranberry Industry"

S.P. 400 L.D. 1191

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-416)**.

Signed:

Senator:

HARRIMAN of Cumberland

Reports **READ**.

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$56,616,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports and State-owned Ferry Facilities; Development of Rail Corridors and Marine Infrastructure; and Replacement of Public Transportation Fleets Statewide"

S.P. 740 L.D. 2089

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-417)**.

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot
HARRIMAN of Cumberland
O'GARA of Cumberland
PARADIS of Aroostook
CASSIDY of Washington

Representatives:

TOWNSEND of Portland
BERRY of Livermore
STEVENS of Orono
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
BRUNO of Raymond
NASS of Acton
KNEELAND of Easton
FISHER of Brewer
WHEELER of Eliot
SANBORN of Alton
COLLINS of Wells
JABAR of Waterville
SAVAGE of Union
WHEELER of Bridgewater
CAMERON of Rumford
LINDAHL of Northport
BOUFFARD of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-418)**.

Signed:

Representative:

WINSOR of Norway

Reports **READ**.

On motion by Senator **MICHAUD** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-417) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Friday, June 4, 1999, at 10:00 in the morning.